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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,010	01/03/2001	Mark E. Dillon	E-1950	3438

7590

05/21/2002

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EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,010

Applicant(s)

DILLON, MARK E.

Examiner

Sharmila S. Gollamudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claims 18-33 are included in the prosecution of this application.

Claims 1-14 and 34-38 are withdrawn from consideration.

Election/Restrictions

Election of Group III without transverse is acknowledged. Claim 38 is added to Group II and is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 37 been renumbered 38.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-20 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Delmore et al (5939339).

Delmore et al discloses a wound dressing that is porous, self-adhering, and capable of absorbing wound exudates (Note abstract). The dressing is made of an adhesive layer and an absorbent layer (example 2 and claim 1). Further, the reference teaches a pigmented adhesive layer (example 11).

Claims 18-20, 22-25, 28-29 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al (5147338).

Lang et al teach a wound dressing containing a foam layer (polyurethane), a conformable film layer, and silicone coated release liner. The reference teaches a layer containing apertures. (Note examples 22-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz et al (5258421) by itself or in view of Delmore et al (5939339).

Lorenz et al teaches a hydrophilic gel dressing (Note abstract). The dressing is made of a tacky gel of polyurethane and poly (N-vinyl lactam) on a substrate such as

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silicone-polytetrafluoroethylene IPN membrane. The reference teaches silicone-polytetrafluoroethylene has particular utility in wound dressing because it keeps moisture in and excess exudate is absorbed (col.5, lines50-68). Further, the gel layer is used as the adhesive and as an absorbent layer. The backing substrate is also useful as a burn blanket (col. 5, lines 30-33 and col. 6, lines 28-30). Additionally, the backing substrate may be covered by a silicone-coated release-liner (col. 6, lines 1-3).

Lorenz et al do not teach a specific example or the use of a pigmented substrate.

Delmore et al discloses a wound dressing that is porous, self-adhering, and capable of absorbing wound exudates (Note abstract). The dressing is made of an adhesive layer and an absorbent layer (example 2 and claim 1). Further, the reference teaches a pigmented adhesive layer (example 11).

Although Lorenz et al does not provide a specific example, it is deemed obvious to one of ordinary skill in the art at the time the invention was made to use the tacky gel in combination with the IPN membrane as suggested by Lorenz et al. One would be motivated to do so since Lorenz teaches that the instant IPN layer keeps moisture in while absorbing wound exudates through the porous network while the polyurethane layer acts as the adhesive, absorbent layer. If it is desirous for one to make a distinction between layers, one of ordinary skill in the art would look to Delmore who teaches a pigmented substrate.

Claims 21 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al (5147338) in view of Lorenz et al (5258421).

Lang et al teach a wound dressing containing a foam layer (polyurethane), a conformable film layer, and silicone coated release liner. The reference teaches a layer containing apertures. (Note examples 22-25).

Lang et al do not teach the instant IPN.

Lorenz et al teaches a hydrophilic gel dressing (Note abstract). The dressing is made of a tacky gel of polyurethane and poly (N-vinyl lactam) on a substrate such as silicone-polytetrafluoroethylene IPN membrane. The reference teaches silicone-polytetrafluoroethylene has particular utility in wound dressing because it keeps moisture in and excess exudate is absorbed (col.5, lines50-68). Further, the gel layer is used as the adhesive and an absorbent layer. The backing substrate is also useful as a burn blanket (col. 5, lines 30-33 and col. 6, lines 28-30). Additionally, the backing substrate may be covered by a silicone-coated release-liner of (col. 6, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use silicone-polytetrafluoroethylene IPN membrane since it particularly useful for wound dressing because it keeps moisture in while absorbing wound exudates as taught by Lorenz et al.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al (5147338) in view of Delmore et al (5939339).

Lang et al teach a wound dressing containing a foam layer (polyurethane), a conformable film layer, and silicone coated release liner. The reference teaches a layer containing apertures. (Note examples 22-25).

Lang et al do not teach pigmented layers.

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Delmore et al discloses a wound dressing that is porous, self-adhering, and capable of absorbing wound exudates (Note abstract). The dressing is made of an adhesive layer and an absorbent layer (example 2 and claim 1). Further, the reference teaches a pigmented adhesive layer (example 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to would look to Delmore who teaches a pigmented substrate if it's desirous for one to make a distinction between layers.


Conclusion

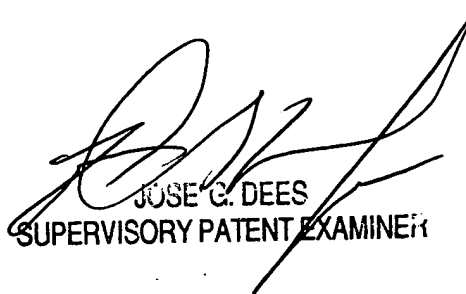
Any inquiry concerning this communication from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is (703) 305-2147. The examiner can be normally reached M-F from 7:30 am to 4:15pm.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached at (703) 308-4628. The fax number for this organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 308-1235.

SSG


May 16, 2002


JOSE C. DEES
SUPERVISORY PATENT EXAMINER
1616